United Nations

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General Assembly

Fifiteth Session

Official Records

30th plenary meeting
Thursday, 12 October 1995, 10 a.m.
New York

President: Mr. Freitas do Amaral . . . . . (Portugal)

The meeting was called to order at 10.35 a.m.

Tentative programme of work

The President: Members will recall that the tentative programme of work for the month of October has been circulated in document A/INF/50/5. I should like to inform Members that item 41, entitled "Support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies", instead of being considered on Tuesday, 31 October 1995, is now scheduled for consideration on Friday, 10 November 1995.

Additionally, I should like to announce the tentative programme of plenary meetings for the month of November.

On Wednesday, 1 November, in the morning, the Assembly will take up item 14, "Report of the International Atomic Energy Agency". On Thursday, 2 November, in the morning, the Assembly will consider item 27, "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba". On Monday, 6 November, the Assembly will consider item 40, "Building a peaceful and better world through sport and the Olympic ideal".

On Tuesday, 7 November, in the morning, the Assembly will take up item 21, "University for Peace"; item 49, "Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991"; and item 162, "Universal Congress on the Panama Canal".

On Wednesday, 8 November, in the morning, the Assembly will take up sub-item (a) of agenda item 15, "Election of five non-permanent members of the Security Council".

On Friday, 10 November, the Assembly will begin consideration of item 33, "International assistance for the rehabilitation and reconstruction of Nicaragua: aftermath of the war and natural disasters", and following that it will consider item 41, "Support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies".

On Monday, 13 November, in the morning, the Assembly will take up item 47, "Question of equitable representation on and increase in the membership of the Security Council and related matters".

On Monday, 20 November, under item 112 (b), "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms", the Assembly will hold a special commemorative meeting to mark the end of the United Nations Year for Tolerance.

On Tuesday, 21 November, the Assembly will consider item 152, "Review of the role of the Trusteeship Council".

95-86298 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one month of the date of the meeting*, to the Chief of the Verbatim Reporting Service, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

On Monday, 27 November, in the morning, the Assembly will take up item 22, "Return or restitution of cultural property to the countries of origin".

On Wednesday, 29 November, in the afternoon, the Assembly will consider item 42, "Question of Palestine".

The lists of speakers for all the scheduled items is now open. Furthermore, I should like to remind representatives that the Pledging Conference for Development Activities will be held in the morning of Wednesday, 1 November, and of Thursday, 2 November. The Conference will be opened by the Secretary-General.

The announcement of voluntary contributions to the 1996 programmes of the United Nations Relief and Works Agency for Palestine Refugees in the Near East will take place on Thursday, 30 November, in the morning.

This tentative schedule which I have just announced will appear in the *Journal* and the verbatim record of the meeting. Members are aware that there are a number of items which have not yet been scheduled. I shall inform the Assembly as soon as appropriate dates for their consideration have been fixed. I shall also keep the Assembly informed of any changes in the announced schedule. The tentative programme of work of the Assembly for November will in due course be circulated in an addendum to document A/INF/50/5.

I should like to reiterate that I would hope to keep to that schedule as closely as possible, so that the Assembly may discharge its responsibilities in an orderly fashion.

In that context, I should like to remind members that draft resolutions involving expenditure require more lead time in order to allow the Advisory Committee on Administrative and Budgetary Questions and the Fifth Committee to review the programme budget implications before the Assembly takes action on such draft resolutions.

Bearing in mind also the fact that the financial constraints facing the Organization have resulted in stringent measures concerning Secretariat services, I would appeal to those representatives wishing to submit draft resolutions to do so sufficiently in advance for the reasons I have just mentioned and so that the membership has adequate time to examine them.

Agenda item 153

Cooperation between the United Nations and the Economic Cooperation Organization: draft resolution (A/50/L.1)

The President: I call on the representative of Turkmenistan to introduce the draft resolution contained in document A/50/L.1.

Mrs. Ataeva (Turkmenistan) *(interpretation from Russian)*: Mr. President, please allow me to begin my statement by extending to you on behalf of the member States of the Economic Cooperation Organization (ECO) our sincere congratulations on your election to the presidency of the fiftieth session of the General Assembly.

As representative of the current Chairman of the ECO Council of Ministers and Chairman of the Contact Group of ECO member States at the United Nations, it is my proud privilege to address the General Assembly on an agenda item which is of vital importance to us in the ECO region.

As representatives are well aware, the Economic Cooperation Organization is a major regional grouping devoted to the socioeconomic well-being of its 10 member States located in a region of special geo-strategic importance encompassing more than 7 million square kilometres and inhabited by nearly 300 million people. In this richly endowed region, the ECO is playing a pivotal role, not only in the revival and consolidation of the historic, cultural and economic links among our peoples, but also in providing access for the newly independent Republics of the former Soviet Union in Central Asia and the Caucasus to the rest of the world through the territories of Iran, Pakistan, Afghanistan and Turkey. These Republics are currently going through a critical phase of political and economic transformation and need the assistance and cooperation of international community, not only in the restructuring of their economic systems, but also in the consolidation of their political independence.

My own country, Turkmenistan, under the dynamic leadership of President Niyazov, has opted to pursue a policy of positive neutrality, which is enshrined in its Constitution. It is noteworthy that on 16 March 1995 the Majlis (Parliament) of Turkmenistan adopted a decree in which the people of Turkmenistan endorsed the principle of positive neutrality on the part of Turkmenistan as the

basis of its foreign policy in full accordance with the interests of the State, its prospects for development, the national, historical and geographical identity of Turkmenistan and the mentality of Turkmen people. This policy was welcomed by the Heads of State or Government of ECO member countries on the occasion of the Third ECO Summit Meeting held in Islamabad in March this year.

Since then, a number of other countries have expressed their support for Turkmenistan's status of positive neutrality, which we hope will receive formal recognition at the current session of the General Assembly. Meanwhile, Turkmenistan continues to play a pivotal role in promoting the ECO as a progressive and outward-looking organization ready to cooperate with every country and region in the world on the basis of mutual benefit. Turkmenistan will be hosting the next ECO summit meeting, in Ashkhabad in April 1996 — a striking manifestation of its commitment to the ECO's goals and objectives.

For its part, the ECO has come a long way in pursuit of its objectives since its expansion from a tripartite entity into a 10-member regional organization three years ago. It has adopted two comprehensive plans of action — the Quetta Plan of Action and the Istanbul Declaration, which determine our long-term perspectives and define sectoral priorities with concrete targets to be reached by the year 2000. At the heart of these action plans lies the development of a modern transport and communications infrastructure linking the member States with each other and with the outside world. A project-oriented outline plan adopted at Alma-Ata in October 1993 is currently being implemented at the national, bilateral and regional levels.

Early this year Turkmenistan hosted a meeting of the ECO Council of Ministers, in which several regional arrangements were finalized, paving the way for the signing of final documents on the establishment of important ECO institutions on the occasion of the Third ECO Summit Meeting, in Islamabad. These institutions include the ECO Trade and Development Bank, the ECO Reinsurance Company, the ECO Shipping Company, ECO Air, the ECO Cultural Institute and the ECO Science Foundation. In addition, to facilitate greater intraregional commercial interaction, two agreements — one on transit trade and the other on simplification of visa procedures for businessmen of ECO countries — were signed.

With this process in place, we are now entering the phase of implementation of our programmes. To achieve the best results, and for the sake of a coordinated pursuit of our objectives in harmony with global trends, we attach great importance to working closely with other regional and international organizations, particularly the United Nations and its agencies that are active in the field of social and economic development.

The United Nations and the Economic Cooperation Organization, working together on the basis of mutual cooperation, can greatly advance the realization of our common objectives in the ECO region. Substantive cooperation between the ECO and the United Nations has already begun. For example, several joint projects have been developed between the ECO and the Economic and Social Commission for Asia and the Pacific. Indeed, some of these have already been implemented. Likewise, we contemplate many joint activities with the United Nations Children's Fund, the United Nations Population Fund and the United Nations Development Programme. Details of these joint efforts of ECO and United Nations agencies can be found in the explanatory memorandum relating to the draft resolution being considered under this agenda item.

What we need at this stage is to develop a joint strategy for closer cooperation and coordination between agencies of the ECO and the United Nations with a view to coordinating activities and optimizing the opportunities offered by the vast human and material resources of the ECO region. Adoption of the draft resolution and inclusion of the question of cooperation between the United Nations and the Economic Cooperation Organization as a regular item on the agenda of General Assembly sessions would indeed be a step in the right direction and would establish a reliable mechanism for monitoring the progress in that cooperation in the years ahead.

To the best of my knowledge, the countries sponsoring this draft resolution believe that it will have no budgetary implications for the United Nations.

Finally, I should like, on behalf of the countries of the ECO, to thank His Excellency Mr. Boutros Boutros-Ghali, the Secretary-General, for his support and cooperation in promoting our common aims and economic development objectives in the ECO region. We hope that in our future joint action he will, likewise, take all the necessary measures to establish close liaison between the two organizations, as well as to determine new areas of collaboration, in keeping with the needs and resources of our region.

We wish the General Assembly every success in its deliberations on the occasion of its fiftieth anniversary.

The President: In accordance with General Assembly resolution 48/2 of 13 October 1993, I now call on the Secretary-General of the Economic Cooperation Organization.

Mr. Ahmad (Secretary-General of the Economic Cooperation Organization): I should like, at the outset, to extend to you, Sir, my sincere felicitations on your unanimous election to the presidency of the General Assembly at this historic fiftieth anniversary session.

I should like also to express our special thanks and appreciation to the Secretary-General, Mr. Boutros Boutros-Ghali, for his dedicated efforts to promote the aims and objectives of the United Nations and its cooperation with regional organizations, including the Economic Cooperation Organization (ECO), which I am privileged to be representing today in this forum.

The ECO is a purely economic organization seeking to promote multifaceted regional cooperation with a view to accelerating the socio-economic well-being of its member States. It comprises 10 States, including — besides Afghanistan, Iran, Pakistan and Turkey — six newly independent Republics of the former Soviet Union. These Republics are currently engaged in consolidating the fruits of their political and economic independence through market-oriented structural reforms and security-related mutual confidence-building measures. One of them — Turkmenistan — is even espousing a policy of positive neutrality. They surely need the full support of the international community for their endeavours — particularly in terms of liberal foreign investment and market-access opportunities.

The ECO, for its part, is giving these Republics a helping hand, not only by facilitating the smooth transition of their economies but also by providing them with infrastructural links with the rest of the world through the road, railway and shipping networks of Afghanistan, Iran, Pakistan and Turkey.

Within the first three years of its expansion in 1992, the ECO has embarked upon a comprehensive cooperation programme based on two important plans of action — the Quetta Plan of Action and the Istanbul Declaration, both representing a comprehensive blueprint of our socio-economic development strategy, with special focus on transport and communications, trade and investment and energy as priority areas.

To best accomplish its objectives, the Economic Cooperation Organization attaches the utmost importance to its cooperative relationship with the United Nations and its agencies, particularly those engaged in the socio-economic development activities of our region. Two years back, on the eve of the forty-eighth session of the General Assembly, the ECO acquired observer status with the United Nations. Since then, several major United Nations agencies have shown interest in ECO activities and are co-sponsoring some of its projects. These agencies include the Economic and Social Commission for Asia and the Pacific (ESCAP), the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA), the United Nations Industrial Development Organization (UNIDO), the United Nations International Drug Control Programme (UNDCP) and the United Nations Development Programme (UNDP), with which the ECO has already established institutionalized cooperative relationships.

In view of the growing trend towards interregional cooperation, the ECO is also pursuing an annual consultative process with Asia's major subregional organizations — namely, the Association of South-East Asian Nations (ASEAN), the South Asian Association for Regional Cooperation (SAARC) and the South Pacific Forum. Similarly, contacts have also been established with the European Union, with both sides seeking to identify a mutually acceptable framework and possible areas of cooperation.

For us it is indeed heartening that the General Assembly is considering this important agenda item on cooperation between the Economic Cooperation Organization and the United Nations. We look forward to the unanimous adoption of draft resolution A/50/L.1, which envisages specific measures for strengthening cooperation between the United Nations and the Economic Cooperation Organization, including the establishment of a regular consultative and monitoring framework, and calls for a report on the subject to be submitted for the General Assembly's consideration at its fifty-first session.

In conclusion, we wish every success for this session, which, coinciding as it does with the fiftieth anniversary of the United Nations, must revive the hope and confidence of the international community in the

ideals of peace, development and social progress throughout the world.

The President: There are no other speakers on this item.

The Assembly will now take a decision on draft resolution A/50/L.1.

May I take it that the Assembly decides to adopt draft resolution A/50/L.1?

Draft resolution A/50/L.1 was adopted (resolution 50/1).

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 153?

It was so decided.

Agenda item 13

Report of the International Court of Justice (A/50/4)

The President: The report of the International Court of Justice now before the Assembly (A/50/4) covers the period from 1 August 1994 to 31 July 1995.

May I take it that the General Assembly takes note of the report of the International Court of Justice?

It was so decided.

The President: I call on Mr. Mohammed Bedjaoui, President of the International Court of Justice.

Mr. Bedjaoui (President of the International Court of Justice) (*interpretation from French*): I am sure that Portugal, its wealth of intelligent citizens notwithstanding, was not long in doubt as to the choice of a politician to be put forward for election by the nations of the world to the office of President of the General Assembly. Beyond your qualifications, Mr. President, as Prime Minister, Minister or Head of a democratic party — posts that you have occupied or still occupy — I am sure it was your standing as an academic, intellectual and man of culture that first and foremost determined that choice.

The international community is honoured to welcome you — a man of political action, of course, but also a thinker and a humanist whose life has been marked by generous choices in the service of justice and progress — as steward of the loftiest Assembly in the world. I would also like to say how delighted the International Court of Justice was to learn that an eminent professor of public law had been placed at the head of the Assembly.

Moreover, how could the Court not rejoice in your election when, in an unprecedented gesture, in your very first statement as President on 19 September last, you made a point of placing the work of the United Nations under the banner of the primacy of international law and paying tribute to the Court as one of the principal organs of the United Nations, dedicated specifically to the promotion of respect for that branch of law that you have never stopped teaching to and inculcating in new generations? The Court cannot fail to express its gratitude, through me, when you have issued such a lofty appeal to all States to accept the jurisdiction of our Court.

You are presiding over the Assembly of the peoples of the United Nations at an exceptional moment in its existence: its admirable fiftieth anniversary. I am sure that you will lead the commemoration with all the wisdom and mastery that we expect. I offer you my warmest wishes for the complete success of this exalted task that is made to your measure.

Giving the floor to the President of the International Court of Justice when the Court's report is under consideration has become a tradition that the General Assembly has accepted with good grace for some years now. To me, this gesture seems to have symbolic value. In this year in which we are commemorating the fiftieth anniversary of the United Nations, I would like to lay particular emphasis upon the extremely special nature of this regular contact, an exemplary expression of the close collaboration that should unite the principal organs of the United Nations as they strive to attain the purposes of the Organization. However, it is also striking testimony to the interest that the General Assembly — and through it, the entire international community — takes in the activities of the Court. Accordingly, I am pleased to thank the General Assembly deeply for again being so good as to devote a few minutes of its precious time to listening to the President of the International Court of Justice.

The celebration of the fiftieth anniversary of the United Nations — and the fiftieth anniversary of the International Court of Justice in a few months' time — provides me with an opportunity to share with the

Assembly, and with each of the States represented here, some thoughts on the current role and on the future of the principal judicial organ that I have the honour to represent.

When confronted by the large number of conflicts in the world of today that fall outside the jurisdiction of the International Court of Justice, the general public is frequently led to wonder: exactly what is an international judge supposed to do?

To wonder about the role and the future of permanent international justice is to try to find a proper answer to that kind of question. It is to wonder how the "scales of justice" can operate and extend their influence when not backed up by a powerful "sword" — if I may transpose into the international sphere the familiar thought patterns of the municipal order which has accustomed us to the trilogy — so dear to Montesquieu — of legislative, executive and judicial powers. One is once again led to wonder whether, given the requirements of the municipal "model", one can really conceive, in the international order, of a judicial power in an international community whose real existence is a matter of some doubt in certain quarters and in which there is, moreover, neither an authentic legislature nor any real power of enforcement.

One could go on asking questions of this kind until one reached the point of paradox, such are the difficulties involved in resolving the mystery surrounding the future of international justice. Indeed, the International Court of Justice, as the principal judicial organ of the United Nations, is no more than one part of a whole, a mere cog — albeit an important cog — in a complex mechanism conceived in accordance with a set of precise specifications. One might properly be led to think that the future of that organ naturally depends upon the future of the United Nations. That is obviously a sensible line of argument but none the less it implies a simplification which has to be moderated in the light of the point I would now like to make. It would seem that the current situation of the International Court of Justice is characterized by a certain singularity — I would even say a certain paradox. This relates to the good fortune currently attending the Court at the very same time as the mother Organization as a whole is confronting considerable difficulties on a variety of fronts.

The world legislative power exists only in outline form. It is represented by this distinguished Assembly, which is strengthened by its composition representing as it does all the peoples of the United Nations, but which can only legislate by means of resolutions that are not, as a general rule, legally binding. As for the Security Council, which is constitutionally free from any such limitation, it may doubtless be compared to a quasi-world executive power but, as it has scarcely recovered from the paralysis to which it was long condemned by the cold war, it is currently experiencing new difficulties in maintaining and consolidating international peace and security. However, it is in this context of the laborious building of the proclaimed new world order that States, and even national public opinion, are turning to the Court in a singular but encouraging trend.

Now that we are engaged in a stock-taking exercise, the Court's stock seems at present to be in better shape than that of some others. It would seem that the judicial function may — on an international level as well — lay claim to a necessary measure of autonomy and independence. When the founding fathers of the 1945 Charter forged close structural links between the Court and the United Nations, they obviously intended that the Court should be fully integrated into the new system for the peaceful settlement of disputes that had just been devised, but they did not in any way wish to deprive the Court of the autonomy indispensable to the sound administration of justice. In that regard, they refrained from making any fundamental changes in the situation brought into being by their predecessors at the League of Nations with respect to the former Permanent Court.

It would however be unforgivably imprudent — if not totally disproportionate — to claim to be able to predict a separate future for the United Nations and for the Court, as their mutual and indissociable fate remains sealed by the Charter, that Magna Carta of mankind.

For the time being, and to be more cautious, my aim is to look briefly at the Court's current good fortune and to explore the reasons for it. I shall then consider the improvements that could well be made to a judicial institution that will soon be 50 years old, to enable it to meet the new and numerous challenges with which it is confronted.

As I have just said, the International Court of Justice has been thriving for the past few years. Never before has it been so much in demand, never before has it been so active. There seems to be every indication that that tendency will only grow stronger in the years to come.

Indeed, certain profound changes that have come about in the international community and, more

particularly, by the end of a world divided into two camps as a result of the cold war are still too recent to have been able to have their full positive effect upon international judicial settlement. This new period was ushered in by a momentous event, the fall of the Berlin Wall — on a memorable day in November 1989. However it does seem that on all sides, other walls which have been erected in the minds of some of the world's leaders and which previously constituted so many additional impediments to the work of the Court are now also beginning to fall -- to such an extent that the States parties to the 10 contentious cases now on the Court's general list are located on every continent.

The International Court of Justice is currently displaying unprecedented vitality. In line with the unusual number of cases of which it is seized, the Court has seen its jurisdiction steadily expand, both in terms of the number of declarations made and in terms of the compromissory clauses included in treaties — or in terms of the withdrawal of reservations to such clauses. Moreover, the Court's current vitality is not to be measured merely by the yardstick of the confidence currently placed in it by States; it must also be assessed in accordance with the way in which States comply with its decisions.

But what is the source of the Court's new vitality?

References have been made in turn, and with a greater or lesser degree of relevance, to the decisions reached by the Court in certain cases, to the end of communism, the greater trust placed in the Court by third world countries, and a more widespread psychological rallying to the applicable international law.

I must stress that the Court's success has not derived from the "transactional justice" or "compromise justice" which has sometimes been ascribed to it. It is of course true to say that, in certain cases, the seizing of the Court has been no more than a means of pressure exercised by one party upon another in a bid to lead it to a political settlement, seen as preferable to a judicial decision.

Under such circumstances, the Court, fully aware of its responsibilities as an integral part of the system of peaceful settlement of international disputes established under the Charter, has displayed judicial realism and has considered itself obligated to assist in bringing the parties closer together, while not at any time departing from its primary task of applying the law. However that in no way means that the Court hands down "judgments of Solomon". Far from it. It goes without saying that it has never tried to do anybody any favours; nor has it ever compromised the integrity of its judicial function or the principles governing its mission. Its strength, and doubtless its success, will have been that it knows how to do justice with full legal rectitude, with full intellectual honesty and in a spirit of total independence, but, for all that, without shutting itself away in an ivory tower or failing to take account of the facts of life.

The vitality of the Court can be explained. The International Court of Justice ultimately has the strengths of its weaknesses — or, if you prefer, the virtue of its principal vice. The international judicial function still bears the image of the international society whose disputes it is called upon to settle: it operates on a consensual basis. The success of the Court may well be due precisely to the fact that its role seems ultimately to be fairly well adapted to the concerns and the system of values predominating in the States to which it is open. Has not consensualism become, more than ever, a value in which to take refuge in a society of States that is still resistant to the advances of supranationalism?

Of course, States may undertake in advance to accept the compulsory jurisdiction of the Court, thus giving it what may be described as a free hand, just as they give a free hand to the Security Council when they accede to the Charter. However, such a comparison immediately requires one to relativize, in so far as the abandonment of sovereignty conceded in each case is not done under identical conditions, or with identical consequences. There can be said to be a far greater exercise of free will in a State's decision to accept the jurisdiction of the Court than in a decision to submit to the decisions of the Security Council.

Another partial reason for the present good fortune of the Court might be found in a wider context, that of the general development of international relations. It would appear to be a truth borne out by experience that legal settlement is more widely supported, and even more sought after, when the international atmosphere is less tense. The counterpart proof is provided by the fact that it was during the periods of extreme international tension in the cold war that the Court was bereft of cases and could not perform its function. Moreover, is it not true to say that tension *per se*, without any clearly defined object, generally prevented the emergence of specific legal disputes, which are the only ones appropriate for submission to the Court?

However, this argument must be treated with caution, for it is no secret that the disappearance of the bipolar international order has not resulted in the creation of a peaceful world, since the world of freedom which has succeeded it is also more fragmented and uncertain.

Be that as it may, if it is to guarantee its future, the Court needs new means to enable it to meet the new challenges with which it will be confronted in the coming years.

Before briefly outlining some of these means, let me make two introductory observations, which seem to me as self-evident as they are fundamental and which seem also to govern the future direction of the Court. The first is that, although the Charter brought about progress for permanent international jurisdiction, that progress was not as decisive in this field as it was, for example, in the political sphere. With the major changes that occurred on the world stage after the Second World War and the outlawing of the use of force, the overall profile of the political organs of the United Nations and the links and relations between these organs have been fundamentally reshaped and streamlined. On the other hand, the judicial organ, the International Court of Justice, has, barring a few details, virtually remained a replica or a continuation of the Permanent Court of International Justice. In other words, from the League of Nations to the United Nations, the political organs would appear to have matured more than the judicial organ, which, 73 years after its birth, remains essentially the same.

My second introductory observation concerns the new functions and powers that have been granted to the United Nations and to many other international organizations since 1945. It cannot be claimed today, in 1995, that the world Organization plays the same role, is vested with the same mission and has the same legal status as its predecessor in the 1920s. Still more, at a time when international organizations have more legal means at their disposal — which, admittedly, they do not always use — in order to become full players in international relations, the State, traditionally the exclusive subject of these international relations, is undergoing internal and international changes which affect this traditional role of solo player.

It is clear that these new situations create new needs and that the future of the International Court of Justice will be measured by its ability to win a status which is not simply a replica of the status of the former Permanent Court of International Justice. There can be no doubt that adjustments are necessary.

These adjustments must first of all be made to the contentious function of the Court. The Court's jurisdiction *ratione personae* has remained frozen, as it were, since 1922. The Court is open only to States. Today, when intergovernmental organizations have grown up, it is important to give them access to contentious procedure.

States, subjects traditionally described as primary or necessary components of the international legal order, are in reality no longer the only players in international relations or the only interlocutors where peace-keeping is concerned. International life shows us every single day that at this level greater account must be taken of other entities, notably the international organizations. Access to the Court's contentious procedure, currently reserved for States alone, may therefore now seem too narrow. Among the remedies found for these shortcomings has been the incorporation into certain treaties, with which members will be familiar, of *ad hoc* clauses laying down that, in the event of a dispute between the international organization and the States specified therein, that organization will request the Court for an advisory opinion, which the two parties agree will have a decisive or binding effect. The technique referred to as that of compulsory advisory opinions, whose very name underlines its singularity, is, however, no more than a stopgap which cannot be a substitute for full access by organizations with international legal personality to the contentious procedure of the Court.

On the other hand, it would not seem that, where the Court's jurisdiction *rationae materiae* in the context of contentious procedure is concerned, there are any measures to be taken with a view to increasing accession to the optional clause of compulsory jurisdiction. To date, 59 States have acceded to the clause; this number, compared with the total number of Member States of the Organization, represents a ratio of one third, which has not appreciably changed since 1945. I fear that this ratio cannot be significantly improved, unless, of course, there is a spectacular momentum in international relations. When President Mikhail Gorbachev called upon the five permanent member States of the Security Council to set an example by submitting their disputes to the International Court, this aroused great interest, which, regrettably, quickly waned. The five members held a number of meetings at the legal adviser level with a view to drawing up a list of subjects which the Court would be likely to entertain in the event of a dispute. But no agreement was reached.

This is, after all, the natural and inevitable consequence of the conception of international relations which still prevails today. States remain legitimately attached to the political and diplomatic freedom available to them to settle their disputes in line with their own interests and prevailing circumstances. All they want is to see all existing procedures relating to the peaceful settlement of disputes open to them. And this, after all, is what counts.

Moreover, since every case has its political aspects and its legal aspects, it is difficult *a priori* to ask States to draw a distinction, in general and definitive terms, between cases which it would be desirable to submit to the Court and those which it would be appropriate to settle by other peaceful means. It is the States which must choose. This is why it seems so rash to try and predict which categories of cases could be submitted to the Court in the future.

The desire for the International Court of Justice to be better known by all, so that it can be better utilized and play a greater role in the daily life of ministeries and international organizations, has often been expressed. To this end, some jurists have suggested that it should be seized of small cases, whose rapid settlement would enable it to become part of the mechanics of international relations in the everyday life of peoples. This is an interesting idea, but it is, in fact, an unrealistic one; States and international organizations cannot contemplate mobilizing the heavy and complex procedural apparatus of the International Court of Justice for small cases, nor expose themselves to expenses which would seem substantial for such modest issues.

Other jurists have contended, on the contrary, that it would rather tend to be cases of moderate importance which would, by nature, be suitable for submission to the Court, such as, for example, the existence, the scope or the limits of States' rights of jurisdiction, in particular where land borders or maritime delimitations are concerned.

In reality, all these approaches, however ingenious they may be, are not part of the political will of States, which remains the only objective determining factor of the Court's activity. Today, the Court is not seized of minor issues, nor is it seized only of disputes of moderate importance. On the contrary, it is seized of a series of vital issues ranging from the application of the Convention on the Prevention and Punishment of the Crime of Genocide to the lawfulness of the use of nuclear weapons, a question with which this Assembly is very familiar.

As regards the advisory jurisdiction of the Court, it seems that thought should also be given to widening its field of application *ratione personae*. The Secretariat, represented by the Secretary-General, is to date — and I have stated this on other occasions — the only principal organ of the United Nations not authorized to request an advisory opinion of the Court on any legal question related to its activity in the service of the Organization.

A broadening of the group of international organizations authorized to request opinions might also usefully be considered, admitting certain organizations that do not fall within the present definition in the Charter, but whose access to the advisory procedure would be desirable for various reasons. The authorization of access to this procedure might also be extended to include intergovernmental organizations with a more or less universal status, such as the World Trade Organization or the Organization for the Prohibition of Chemical Weapons, and regional intergovernmental organizations that work for the maintenance of peace.

Lastly, the question of the participation of non-governmental organizations in the Court's advisory procedure should be given serious study. Those organizations are today important bodies representing world public opinion. Many of them enjoy permanent consultative status with the principal organs of the United Nations. They may now have access to the Security Council or the General Assembly. But this is not the case of the Court.

In conclusion, the future of the International Court of Justice depends on many factors which, to a large extent, elude the control of the Court itself. These include: first, the emergence of certain categories of conflicts which are called internal but which have clear international repercussions, and which international law does not yet cover except in a very fragmentary fashion; secondly, internal and external changes in States which affect their traditional role as key players in international relations; thirdly, the emergence of international intergovernmental organizations on the world stage, including with respect to judicial settlement; fourthly, the growing place of non-governmental organizations, voicing the wishes of an international public opinion more concerned with and motivated by world affairs; and, last but not least, recognition of the essential role that the Court must play in sanctioning a form of international law governing a world and a society of law.

The President *(interpretation from French)*: I would like to tell the President of the International Court of Justice and all the members of the Assembly that I will do everything in my power to respond, in carrying out my duties, to the lofty and demanding portrait which he has presented of me.

Mr. Lamamra (Algeria) *(interpretation from French)*: The pleasure that any jurist or practitioner of international relations feels at learning of the activities of the International Court of Justice is, to my mind, for many reasons all the greater when the report of the Court is presented by President Mohammed Bedjaoui, who instils into it such faith, conviction and commitment, and delivers it with outstanding eloquence. The delegation of Algeria is very pleased to extend a warm welcome to the Assembly to the President of the International Court of Justice, to the distinguished judges accompanying him, and to the Registrar, Mr. Eduardo Valencia-Ospina. It appreciates the opportunity for the General Assembly to assess, year after year, the assertion of the Court's authority and the strengthening of its role, for the greater good of the international community as a whole.

Mr. Mohammed Bedjaoui, whose name, renown and work are intimately linked with the noble objective of strengthening the rule of law based on justice and equity, has shared with the Assembly his exemplary reflections, which will naturally find their proper place in the plans being developed by Member States with a view to launching the United Nations into the next century with the certainty of a future that is brighter than the tumultuous past 50 years of its existence.

When we think of the past, we remember with emotion all the jurists who never gave up hope of blazing a pathway for international law through the minefields of relations based on force and power politics. Among them, I wish to mention Judges Nicolaï Tarassov, Roberto Ago and José María Ruda, who died recently and who will always be remembered and honoured by the community of jurists for their erudition, conscience, honesty and open minds.

The recent election of Mrs. Rosalyn Higgins as a judge on the Court is a very hopeful sign that by welcoming this great advocate of the rights of peoples and of human rights, along with judges Vereshchetin and Ferrari Bravo, the Court will be able to tap its full potential.

It is a well-known fact that among the cold war's many, even damaging, effects, impeding friendship and harmony among nations, was the adverse effect it had on the promotion of international justice and the very perception long held by States of the capacity and limitations of the Court in terms of regulating international relations in a judicial capacity. It is true that certain terms used in the very Statute of the Court to describe a given source of law, as well as certain aberrations in case law, were enough to sow doubts as to the Court's readiness to pick up the deep pulsations of today's international society, even though advisory opinions and far-reaching rulings have proved full well that the International Court of Justice had, on many an occasion, been able to go beyond the political situation and to demonstrate its strict observance of the requirements of justice and law.

Today, when the international political situation opens up vast prospects for frequent recourse to the jurisdiction of the Court, anachronisms, conservative tendencies and all kinds of interests unfortunately prevent the total flourishing of an international judicial order binding on all, beginning with the most powerful among us.

But, along with the jurisdiction of the Court in contentious cases, a jurisdiction whose extension and expansion depend on individual sovereignties, there is enormous potential for turning to the Court for advice, but the principal competent United Nations organs have not always made full use of this. From this viewpoint, the discussions now under way with regard to the reform of the Security Council will not be sufficiently coherent or exhaustive unless and until they take fully into account the untapped and unexplored resources inherent in constitutional control by the International Court of Justice of the Council's acts. Besides, action by the Court may also prove to make a substantial contribution to a large-scale effort at preventive diplomacy.

On this fiftieth anniversary of the United Nations, all legitimate ambition as regards the strengthening of the fabric of international cooperation for peace and development or the strengthening of the system for collective security and the peaceful settlement of international disputes must involve the International Court of Justice. At the same time, the General Assembly must always be solicitous of this principal organ when it comes to preserving the dignity of eminent international judges and their staff and when human and material resources are required to enhance the efficacy of this institution and

to promote good and diligent administration of international justice.

Mr. Yoogalingam (Malaysia): My delegation would like to thank the President of the International Court of Justice for presenting the report of the Court for the period 1 August 1994 to 31 July 1995. In studying the report, my delegation notes that its composition and structure are similar to those of last year's report.

We congratulate the President of the International Court of Justice for his excellent exposé, in his introduction of the annual report, of the issues facing the Court. The international community is truly fortunate to have a jurist of such eminence presiding over the Court. My delegation also wishes to take this opportunity to express our sincere condolences to the families of the late Judges Nicolaï Tarassov and Roberto Ago, former Judge and President José María Ruda, and former Judge ad hoc, Mrs. Suzanne Bastid. Their meritorious service during their terms of office will always be remembered and appreciated. Similarly, we wish to express our congratulations to Sir Robert Jennings on his long, dedicated and exemplary service. To the newly elected judges, Vladlen Vereshchetin, Luigi Ferrari Bravo and Rosalyn Higgins, we extend our congratulations.

As the United Nations commemorates its fiftieth anniversary, it has become increasingly clear that the multilateral system needs to be reformed. This has been reflected in the statements made by our leaders in this Assembly in the last two weeks. In this context, there is an obvious need for a review of the role and composition of the International Court of Justice, given its fundamental importance as the principal judicial organ of the United Nations.

My delegation notes that there has been increasing recourse to the Court by Member States over the years. This is a positive sign and augurs well for the future of the Court. The International Court of Justice has an important role to play in the promotion of peace and harmony among the nations and peoples of the world. The processes provided for under the Statute of the International Court of Justice advance the rule and role of international law. However, much still remains to be done before full respect for international law is achieved.

While we have always expressed our confidence in the International Court of Justice, my delegation is of the belief that it has yet to realize its full potential. Article 96 of the Charter of the United Nations provides that the General Assembly or the Security Council may request the Court to give an advisory opinion on any legal question. We would like to see greater use made by the General Assembly and the Security Council of the Court as a source for advisory opinion. In addition, the General Assembly and the Security Council not only should utilize the Court as a source of interpretation of the relevant applicable law, but should also refer controversial decisions to the Court for review.

The Security Council was established as a principal organ of the United Nations. The International Court of Justice was established as another principal organ of the United Nations. There are undoubted linkages between the Security Council and the International Court of Justice. Both these organs, with their important tasks, should be representative of today's global community. As we continue with our efforts to reform and restructure the Security Council, it is equally pertinent to review the composition of the International Court of Justice.

For my delegation, the views expressed by some members that the rights, status and prerogatives of the permanent members of the Security Council cannot be altered are inconsistent with the provisions of the Charter. The fact that some of the permanent members of the Security Council should seek to assume similar rights in other organizations of the United Nations is even more unacceptable, considering that there are no provisions to this effect in the Charter.

It is vital that the role and composition of the International Court of Justice be carefully considered within the context of the review and reform of global institutions. We should benefit from the current collective desire to reform and revitalize these institutions, including the International Court of Justice. A revitalized International Court of Justice can play its role more effectively in the advancement of international law and justice.

Mr. De La Pedraja (Mexico) (*interpretation from Spanish*): My delegation expresses its thanks to the President of the International Court of Justice, Mr. Mohammed Bedjaoui, for his lucid presentation of the report of the Court. We are grateful for the high quality of his comments. They undoubtedly enrich the work of this session.

We heard with deep sorrow the news of the death of Judges Nikolaï Tarassov, Roberto Ago and José María Ruda, as well as that of Professor Suzanne Bastid. They

were outstanding jurists who contributed with talent and hard work to the cause of international law. We pay tribute to their memory.

The judges elected to fill the vacancies on the Court during the period covered by the report, Vladlen Vereshchetin, Luigi Ferrari Bravo and Rosalyn Higgins, confirm the excellence of the composition of our principal judicial organ. In particular, we express our satisfaction at the election of Rosalyn Higgins, the first woman who is a permanent member of the Court. We hope that the international community's objective of seeing a larger number of women in international judicial organs will make further headway in the future.

The presentation of the report of the International Court of Justice before the General Assembly is of vital importance. Indeed, in recent years Mexico has stressed the need for the members of the Assembly to reflect on its importance. This exercise gives Member States the opportunity of understanding the judicial work of the Court, and it gives the Court the opportunity of forging closer bonds of cooperation and communication with the Assembly.

My delegation would have appreciated having more time to study the report of the Court. We respectfully urge the Secretariat and the Court to ensure that in future the document will be distributed far enough in advance of its consideration here. We are certain that in this way the dialogue will become more useful and fruitful.

Respect for and due compliance with the norms of international law are and have been one of Mexico's main commitments. We are convinced that international coexistence based on respect for the fundamental norms of law and justice is the best guarantee of peace. Hence, in this and other forums we are promoting the codification and progressive development of international law, and we support all those activities that result in the strengthening of the International Court of Justice.

The number of cases now before the Court is undoubtedly encouraging. More and more States are considering the Court as a viable alternative means of resolving their disputes. At the same time, as has been pointed out in the past by the President of the Court, the increase in the number of cases should not be viewed too optimistically. We note with concern that sometimes the enthusiasm with which declarations of acceptance of the Court's jurisdiction are made turns into reluctance to accept that jurisdiction in practice.

The advisory proceedings are a dynamic and simple mechanism that allows the organs of the United Nations to benefit from the experience of a high-level institution and to contribute to the clarification and development of international law. Mexico emphasizes the importance of the advisory proceedings and urges those entities that are authorized to request opinions of the Court to make more systematic use of this mechanism. We particularly urge the Security Council to reflect on the advantages of this mechanism and to use it more frequently. We are convinced that this would be of benefit to the Council itself and to the international community as a whole.

At the same time, in touching on the subject of advisory opinions, I must point out that Mexico attaches particular importance to those currently being processed by the Court. In our view, the requests mentioned in chapter III of the report bear witness to the significant work that can be done by the Court through its advisory opinions. We believe that the Court now has an invaluable opportunity to support other organs of the United Nations in the fulfilment of their functions and to contribute to defining the norms of international law. We are convinced that the Court will avail itself of this opportunity.

Mr. Villagran Kramer (Guatemala) (*interpretation from Spanish*): First of all, we should like to congratulate you, Mr. President, on your election. We also wish to thank the President of the International Court of Justice both for the Court's report and for the thoughts he kindly shared with us on the extremely sensitive and important work of that lofty forum.

We also wish to express our sorrow at the death of three very distinguished judges: Judge Tarassov, Judge Ago and the Latin American Judge Ruda.

The report submitted to us not only covers the work of the Court itself but also coincides with the fiftieth anniversary of the United Nations and of that important tribunal. Although the Court will celebrate its anniversary in April 1996, since it was established in 1946, it is logical at this time that we consider the Court's current report in the context of the fiftieth anniversary of that institution.

We are very satisfied with the way the report deals with the subject of the jurisdiction of the International Court of Justice. At the same time, it gives our delegation a great deal of food for thought. On the one hand, 59 States have accepted the Court's jurisdiction

under an optional clause; on the other, there is a movement afoot to restrict the scope of acceptance of the Court's jurisdiction through the method of making reservations when jurisdiction is accepted. While we are delighted that a large number of States are accepting jurisdiction through this optional modality, we are also concerned that the tendency to resort to the unilateral act of acceptance of jurisdiction is motivated by a desire to set conditions on appearances before the Court or to raise reservations that ultimately restrict its jurisdiction. In any case, this is a subject which my delegation believes should be discussed and studied, either in the Sixth Committee or in a working group that is undoubtedly to be established on the matter.

There is yet another element of jurisdiction that offers us a strong option which is being used with increasing frequency and which strengthens the role of the Court. When international treaties are signed between States, this option allows them to bring disagreements over the implementation and interpretation of these treaties before the Court. This option demonstrated its soundness precisely in the case of two Central American countries that were involved in 1988 in a dispute over the implementation of the so-called Bogotá Pact and that were able to resolve a jurisdictional problem in an exemplary manner.

Another comment we wish to make concerns the Court's current workload, which shows us that it is possible for the work of international tribunals to be diversified. For example, in the future States will certainly wish cases of maritime delimitation to be considered within the framework of the International Tribunal for the Law of the Sea. Furthermore, we feel that international criminal cases would undoubtedly be dealt with by an international criminal tribunal, if the Assembly decides to establish such a tribunal. This obviously would restrict the International Court of Justice's sphere of action, and we could then envisage the idea of a counterpart. Such a counterpart has been referred to this morning in the context of the need for constitutional control over the activities of some of the organs of the United Nations. I should like briefly to refer to this subject.

The period when we are considering an expansion of the Security Council's work and membership and are all expressing our views on the appropriateness of such an expansion is undoubtedly the time to reflect on whether or not we should give the Court the power to monitor the legality of the actions of the Council and the Assembly. This issue has been raised this morning. Our delegation acknowledges and takes note of the concept of constitutional control and firmly associates itself with the comments made on that subject.

In conclusion, I should like to point out that the future of the Court, which is so strongly linked to the future of the United Nations, must be viewed in the context of a changing world that is presenting us with new realities. The first of these realities is that the membership of the United Nations has increased. It has increased to the extent that we might ask whether it would be appropriate to increase the number of judges on the Court. My delegation does not have a position on this subject but it is prepared to consider whether, in the light of the fact that there are now 185 Member States, the number of judges — 15 — provided for the Permanent Court of Justice from 1922 to 1945 should be increased.

Furthermore, we are sympathetic to and favour the possibility of giving international organizations access to the Court and of enabling them to initiate procedures. Similarly, we believe that it would be prudent and appropriate for the Secretary-General of our Organization to have the power to request advisory opinions on very specific cases, and the nature of such cases would have to be established.

Lastly, the new dichotomy in international relations is obvious: international relations and transnational relations. We know that, in the context of international relations, States and international organizations are intensely involved with one another. We all work in those circles. But we also know that we are players and participants in a transnational arena. State enterprises, private corporations and organizations established to promote economic activity are growing and intensifying their work to such an extent that we may eventually have to consider the possibility of their being allowed to accede to the Court or to other mechanisms to be established.

Finally, we wish to thank the President of the International Court of Justice for having shared with us his thoughts, which are born of his judicial wisdom and experience as a judge and, above all, as an eminent jurist. You, Mr. President, are another such jurist.

Mr. Muntasser (Libyan Arab Jamahiriya) *(interpretation from Arabic)*: I am pleased to associate myself with those who preceded me in welcoming Mr. Mohammed Bedjaoui, the President of the International Court of Justice and his fellow judges. I am

also delighted to congratulate him on his presentation of the Court's report.

My country has had recourse more than once to the International Court of Justice, the haven to which countries go in search of justice under the rules of international legality. I am pleased to state that the Court's judgments are received with full respect, whether or not they are in our favour. My country has consistently implemented them fully and without delay. It is sufficient to refer to the last ruling on the border dispute between Chad and my country, which we applied without delay, as attested to by the statement of the Secretary-General.

My country hastened to the International Court of Justice and presented to it the so-called Lockerbie case, as we hoped that the provisions of the Charter and of the Montreal Convention in respect of civil aviation cases would be applied.

The matter is still under consideration by the Court. This is a purely legal case, which some parties have transformed into a political issue and have presented it as such to the Security Council. Economic and political sanctions have been imposed on my country, as a result of which the Libyan people as well as the neighbouring peoples continue to suffer.

As a small developing State, we look up to the International Court of Justice, as represented by its President and judges, and we attach great hopes to it. We trust that it will emphasize the rule of law and thereby put paid to the ambitions of certain circles to impose the law of force, a tendency which, regrettably, became noticeable after the end of the cold war in using the Security Council as a tool to impose such hegemony.

The President: We have now heard the last speaker on this item for this meeting. May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 13?

It was so decided.

Agenda item 155

Observer status for the Central American Integration System in the General Assembly: draft resolution (A/50/L.2)

The President: I call on the representative of El Salvador to introduce the draft resolution contained in document A/50/L.2.

Mr. Castaneda-Cornejo (El Salvador) *(interpretation from Spanish):* On behalf of the Central American countries, Costa Rica, Guatemala, Honduras, Nicaragua, Panama and El Salvador, I have the honour to make this statement by way of an introduction to the draft resolution on agenda item 155, entitled "Observer status for the Central American Integration System in the General Assembly".

In 1987, when our Governments decided to take up the historic challenge of achieving a political solution to the Central American crisis through the peace process adopted in Esquipulas II, they also recognized that peace and development were inseparable and that the consolidation of democracy presupposed the establishment of a system of well-being and economic and social justice, which is indispensable in helping to overcome the deep-rooted causes of that conflict.

The fulfilment of the commitments contained in Esquipulas II led to progress in the process of peacemaking and democratization, thus creating space for the analysis, negotiation and agreement of measures and mechanisms to be adopted for the coordination, consultation and follow-up of the commitments adopted by the Central American Presidents at the summit meetings, and particularly as regards national and regional efforts to meet the priority challenges of a political, economic, social, environmental and security-related nature. Indeed, the Declaration of Antigua, Guatemala, of 12 June 1990 reaffirmed their statement that "we have Central American paths to peace and development".

Accordingly, as of 1990, the Central American Governments in the process of strengthening peace and democracy saw the need to examine the restructuring, strengthening and reactivation of regional economic integration, and the need to make this a means to promote development objectives and to readapt and improve Central America's position as part of its efforts to align itself with the new international environment. All this culminated in the signing of the Protocol of Tegucigalpa to the Charter of the Organization of Central American States on 13 December 1991, which established the Central American Integration System. The System began to operate on 1 February 1993.

The Central American Integration System is a renewed and dynamic mechanism responsible for promoting not the sectoral, economic or commercial integration of the past, but rather a global process, which encompasses the political, economic, social, cultural and environmental spheres, ensuring effective coordination among the organs, agencies and institutions of the Integration System. It guarantees sustainable development, in balance and harmony, to facilitate the attainment of the vital objectives established in the Framework Treaty creating the system to turn Central America

> "into a region of peace, freedom, democracy and development" *(A/49/580, annex I, para. 51 (a))*

on the firm basis of respect for and protection and promotion of the human rights of Central Americans. This, in the final analysis, can contribute to regional unity in response to the traditional aspirations of our peoples.

It is essential to emphasize that the promotion and implementation of the new integral development strategy in Central America at the national and regional levels should take shape through the Alliance for Sustainable Development, in which priorities are set in the areas that I have just mentioned, in accordance with presidential decisions. This is based on the support for the Central American Integration System, through close cooperation between its General Secretariat and the technical secretariats of the regional subsystems and entities. Further information on this development strategy and on the Central American Integration System can be found in documents A/49/580 of 27 October 1994 and A/50/146 of 20 July 1995.

The relevance of regional integration in its multidimensional design and in the framework of respect for pluralism and ethnic diversity was reaffirmed, in the Declaration of San Salvador II, at the Central American Summit Conference held in El Salvador in March this year in response to the challenges resulting from recent regional and global changes caused by the globalization of production, new computer-based technologies and new organizational methods. That meeting made headway in the process through the adoption of the Treaty on Central American Social Integration, which established within the Central American Integration System the legal, institutional and operational framework to promote this objective. This, in turn, reflects the commitment of Central American Governments to making every effort to improve the standard of living of our peoples.

Bearing in mind the new development strategy and the role assigned to the Central American Integration System, our Presidents have attached prime importance to strengthening the System as an institution and its participation and approach at the national, regional and international levels, thus enabling it to fulfil its role efficiently.

It is in this context that the Central American countries took the initiative to request the inclusion of item 155 — the item that we are now considering — on the General Assembly's agenda. The draft resolution under this item is entitled "Observer status for the Central American Integration System" and is sponsored by countries from different regional groups. At this time I wish to inform the Assembly that to the list of sponsors contained in document A/50/L.2 the following countries have been added: Algeria, Barbados, Canada, Cuba, Cyprus, Greece, Guyana, Iceland, Japan, the Marshall Islands, Poland, the Russian Federation, Sweden and Trinidad and Tobago.

The draft resolution, in its preambular part, refers to the Tegucigalpa Protocol — which has been registered in the United Nations Secretariat — through which purposes, principles and institutional structure in Central America have been modified by the establishment of the Central American Integration System. It also points out that one of the basic principles of the System is respect for the purposes and principles of the Charter of the United Nations.

In the operative part of the draft resolution the General Assembly decides to invite the Central American Integration System to participate in the sessions and the work of the General Assembly in the capacity of observer, and it requests the Secretary-General to take the necessary action to implement the resolution.

Convinced that the granting of observer status to the Central American Integration System will facilitate attainment of the primary objectives of Central America, we have no doubt that, with the complete support of Member States, the draft resolution will be adopted by consensus.

I should like to conclude by quoting from a decision adopted by the Central American Presidents at their last special session, which was held in Costa del Sol, El Salvador, on 5 October this year:

> "We reaffirm our desire that observer status at the United Nations be granted to the Central American Integration System (SICA), and we are grateful for the many expressions of support for this desire by State Members of the United Nations. At the same time, we urge the international community as a whole to provide its valuable support for putting this initiative into effect"

and for the achievement of the objectives and aspirations of the Central American peoples.

Mr. Dumitriu (Romania) (*interpretation from Spanish*): Romania is among the sponsors of draft resolution A/50/L.2, which requests that observer status at the General Assembly be granted to the Central American Integration System.

My delegation has many reasons for supporting the draft resolution. We should like to underscore just two of these.

First, we believe that the efforts of the Central American countries to adapt to a new regional reality — in other words, a Central America that is more orderly and democratic — deserve our support. The determination of these countries to broaden and strengthen the region's participation in the international sphere is also commendable. Not too long ago, when we referred to this region we talked about wars, conflicts and peace-keeping operations. Fortunately, now, as is emphasized in the explanatory memorandum related to document A/50/146, what we are talking about is the quest for integral well-being and sustainable development for Central Americans — making Central America a region of peace, freedom, democracy and development. This is a change of profound significance, which we should all commend.

Secondly, my delegation sincerely believes in the virtues of integration. Romania itself is seeking full integration into European economic, political and security structures. For this reason, Romania sympathizes deeply with the integration efforts of Central American and other countries.

In conclusion, my delegation takes great pleasure in supporting the draft resolution now under the General Assembly's consideration and hopes that it will be adopted by consensus.

Mr. Laing (Belize): The delegation of Belize is honoured to be a sponsor of draft resolution A/50/L.2. The Government of Belize, a country in the very heart of Central America, has observed the recent evolution of the Central American integration process with increasing satisfaction. In an era of convergence, it is doubly gratifying to reflect that in this effort of integration those States of Central America which are members of this Integration System are merely continuing a distinguished tradition of close, organized cooperation now nearly 200 years old. We applaud our neighbours for continuing to lead the world in this matter.

The Government of Belize has had the signal honour of regularly cooperating with the member States and the institutions of this Integration System. In particular, I wish to advert to our participation in the Alliance for Sustainable Development and the Alliance for Social Development. We have been particularly gratified by the fact that the activities within that framework now embrace the cultural, social and political spheres. Only by integrated action can there be genuine, harmonious and balanced development of peoples, individuals and member States. Belize's participation in these activities reflects the wisdom of the parties to the treaty viewing the region as an organic whole in which historically diverse cultures can make a dignified contribution. We are grateful that Belize's participation now transcends its being a passive recipient of internationally displaced persons from the rest of Central America, who are now over 20 per cent of our population.

The delegation of Belize fully agrees that the cooperation and integration to which this draft resolution adverts will most probably conduce to the furtherance of regional peace and reconciliation for which we all yearn.

My delegation fully supports the request for the deepening of cooperation with the United Nations through the according of observer status to the institution. Of course, such details as the applicability of Chapter VIII of the Charter, referred to in the explanatory memorandum, will bear further examination. But in general, my delegation fully supports the text of this important draft resolution and requests that it be adopted by consensus.

The President: We have heard the last speaker on this item.

The Assembly will now take a decision on draft resolution A/50/L.2.

May I take it that the Assembly decides to adopt draft resolution A/50/L.2?

Draft resolution A/50/L.2 was adopted (resolution 50/2).

The President: In accordance with the resolution just adopted, I now call on the Secretary-General of the Central American Integration System, His Excellency Mr. Roberto Herrera Cáceres.

Mr. Herrera Cáceres (Secretary-General, Central American Integration System) (*interpretation from Spanish*): It is an honour for me, as a Central American, to reiterate the congratulations expressed to you, Sir, by the representatives of Central American States on your rightful election to the presidency of the Assembly. Your presence ensures that it will be wisely guided.

As Secretary-General of the Central American Integration System (SICA), I wish also to express our deep appreciation for the decision to invite the Central American Integration System to participate, as an observer, in the work of the General Assembly at this session.

The granting of observer status at the United Nations is very significant, as it is a manifestation of the ever greater understanding in the United Nations of the fundamental role of subregional organizations, such as the Central American Integration System, that have been recognized and followed by the General Assembly itself, as can be seen in resolutions 48/161 of 1993 and 49/137 of 1994, entitled "The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development".

In those resolutions it is recognized that the Central American Integration System

> "constitutes the institutional framework for subregional integration through which integrated development can be promoted in an effective, orderly and coherent manner". *(resolutions 48/161 and 49/137, third preambular paragraph)*

In addition, the General Assembly stresses

> "the importance of honouring the commitments to accelerate the establishment of a new model of regional security in Central America as established in the Tegucigalpa Protocol of 13 December 1991, which established the Central American Integration System (SICA)". *(resolution 48/161, ninth preambular paragraph)*

In its earlier resolutions the General Assembly also highlights

> "the functioning of the Central American Integration System since 1 February 1993 and the registry of the Tegucigalpa Protocol with the United Nations Secretariat, expresses its full support for the efforts made by Central Americans, under the political leadership of their Presidents, to stimulate and broaden the integration process in the context of the Central American Integration System, and calls on Member States and international organizations to provide effective cooperation to Central America so that it can steadily promote and strengthen subregional integration in order to make it an effective mechanism for achieving sustainable development". *(resolution 49/137, para. 5)*

In keeping with this appeal, the United Nations has now fraternally embraced us, bearing witness to the great ecumenical interdependence characteristic of the present day. It has done this by granting us observer status on this day which coincides with the celebration of Hispanic Day and, in particular, on the day on which we Central Americans are celebrating the first anniversary of the signing, at the meeting of Central American Presidents and the Prime Minister of Belize, of the Alliance for the Sustainable Development of Central America, which constitutes the strategy for the integral development of the Central American isthmus.

On this day we Central Americans are also celebrating the first anniversary of the entry into force of our Central American Court of Justice, which is the principal judicial organ of the Central American Integration System (SICA), entrusted with ensuring respect for the law in the interpretation and application of the Tegucigalpa Protocol, the Alliance for the Sustainable Development of Central America and of other instruments and acts that complement them and stem from them. This makes it clear that the Central American isthmus is advancing steadily towards the perfecting of a Central American community of law.

The Central American Integration System, in addition to working towards the integral development of the isthmus in the economic, social, cultural, political and ecological spheres, and guided by its regional

development strategy, is also working to conclude a treaty of regional democratic security based on the strengthening of civil authority; on the promotion of sustainable development; on the protection of the environment; on the eradication of extreme poverty and of violence, corruption, terrorism, drug trafficking and the traffic in arms; on a reasonable balance of forces; and on confidence-building measures.

This new model of Central American democratic security also includes a regional plan for disaster reduction and an institutional force for Central American solidarity, whose task it is to coordinate the capacities and the resources of the Central American States with those of SICA in order to combat natural threats and disasters. With all these arrangements, the Central American people will be working with greater confidence and resolve to achieve sustainable development, in the knowledge that there exists the political will, the legal system and the action-oriented mechanisms whose progressive implementation will protect them from the military and non-military dangers and risks that could jeopardize their lasting development.

The broad-ranging and open design of the Central American Integration System reflects the importance we attach to effective give-and-take with other regional systems, with the inter-American system and with the United Nations system, in order to promote actions and interactions of mutual advantage that can enable the organizations and their member States to benefit from the best experiences and from the progress of mankind.

In this context, the progress and democratization of organizations and of the international order have as a common denominator humanistic criteria and the criteria of solidarity and the promotion of equal opportunities for their societies to enjoy in a just and fair fashion the fruits of the economy, of trade, of information and training, of science and technology — in a word, of development, regardless of the part of the world where these factors are being strengthened. Only in this way will it be possible for us to move from a world divided for all to a world shared by all.

The Central American Integration System and the Organization of American States (OAS) began their relations of international cooperation in 1994. The Secretaries-General of the two organizations have concluded a cooperation agreement that will make it easier to exploit together the possibilities for mutual support with a view to integral development.

The General Assembly of the OAS has requested that we effectively coordinate American regional action with Central American subregional action and we, in SICA, are prepared to coordinate our work in the most effective way possible.

For these and other reasons, the granting of observer status requires all the organs and institutions of the Central American Integration System to offer all our experience as a juridical and political organization of the Central American isthmus to this prestigious universal Organization and to its Member States. At the same time, it requires us to avail ourselves of the wealth of experience of the United Nations, which we also hope to apply in our daily work through efficient and harmonious coordination that will increasingly make possible the best use of the efforts and the resources of the member States of our respective organizations.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 155?

It was so decided.

The meeting rose at 12.45 p.m.